

## **MALDIVES (Tier 2 Watch List)**

Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking and a source country for Maldivian children subjected to human trafficking within the country. An unknown number of the approximate 150,000 documented and undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—face conditions of forced labor: fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. Migrant workers pay the equivalent of approximately \$1,000 to \$4,000 in recruitment fees in order to migrate to Maldives, contributing to their risk of debt bondage inside the country. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet countries, as well as some girls from Bangladesh and Maldives, are subjected to sex trafficking in Male, the capital. Some underage Maldivian children are transported to Male from other islands for forced domestic service and some of whom are also reportedly subjected to sexual abuse.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking. The government has not demonstrated evidence of increasing efforts to address human trafficking over the previous year; therefore, Maldives is placed on Tier 2 Watch List for a fourth consecutive year. Maldives was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking. The government is also devoting sufficient resources to implement that plan. The government continued to lack systematic procedures to identify victims of trafficking among vulnerable populations and failed to refer those victims to protective services. Although the government reported it prosecuted some sex trafficking cases, the government did not take concrete actions to protect trafficking victims and prevent trafficking in Maldives; instead, the government penalized some trafficking victims for offenses committed as a result of being trafficked. A senior government official and an official from the Human Rights Commission of the Maldives have asserted that the government's efforts to fight trafficking have been ineffective and that numerous proposed actions remained unimplemented. Government officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives and most actions promoted by the Government of Maldives as anti-trafficking efforts involve measures to reduce undocumented labor migration rather than measures to address the serious problem of involuntary servitude.

**Recommendations for the Maldives:** Pass and enact legislation prohibiting and punishing all forms of trafficking in persons; clearly distinguish between human trafficking, human smuggling and the presence of undocumented migrants in legislation, policies, and programs; develop and implement systematic procedures for government officials to proactively identify victims of trafficking among vulnerable groups, such as undocumented migrants and females in prostitution; ensure that trafficking victims are

not penalized for acts committed as a result of being trafficked; increase efforts to investigate and prosecute suspected trafficking offenses respecting due process; work to ensure that identified victims of trafficking are provided access to victim services; enforce prohibitions of passport retention by employers; raise public awareness of human trafficking through media campaigns; provide translators to police and other law enforcement authorities to ensure foreign workers are able to participate in investigations and prosecutions against their alleged traffickers; improve inter-ministerial coordination on human trafficking issues; ensure that changes to labor migration policies for the purpose of reducing human trafficking do not restrict legal migration; take steps to ensure that employers and labor brokers do not abuse labor recruitment or sponsorship processes in order to subject migrant workers to forced labor; and accede to the 2000 UN TIP Protocol.

## **Prosecution**

The Government of Maldives made minimal anti-trafficking law enforcement efforts during the year. Maldives does not have laws prohibiting all human trafficking offenses. The Employment Act of 2009 prohibits, but does not penalize, most forms of forced labor. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment for violations. However, Article 14 of the act provides that, if a person is legally married to a child under Islamic *Sharia*, none of the offenses specified in the legislation, including child prostitution, would be considered a crime. During the reporting period, the government drafted an anti-trafficking law and introduced it into the legislature in December. The government reported investigating four and prosecuting two sex trafficking cases in 2012, compared to no prosecutions recorded in 2011. The government did not report any prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. The absence of government translators prevented foreign trafficking victims from pursuing recourse through the Maldivian legal system.

## **Protection**

The Maldivian government made minimal efforts to protect trafficking victims during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims or referring victims to protective services. The government did not provide access to services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. However, in December 2012, the Ministry of Gender, Family, and Human Rights (MGFHR) received approval to expand an existing shelter to include services for male and female trafficking victims; the shelter was not operational during the reporting period. The government identified four Thai women and three Maldivian girls subjected to sex trafficking in 2012. The Thai consulate in Maldives arranged accommodation for one woman, and the other three Thai women were provided temporary accommodation by the Maldivian government prior to their return to Thailand. Due to a lack of comprehensive victim identification procedures, trafficking victims may have been inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. The government deported undocumented immigrants detained in law enforcement operations without screening the immigrants for indications of human trafficking; some of these immigrants subsequently were identified by a civil society group as trafficking victims. From March to

December 2012, the government arrested, imprisoned, and deported 29 foreign females for prostitution at beauty salons without first identifying whether they were sex trafficking victims. The government did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders. Police officers reported that suspected trafficking victims were fearful of being arrested or deported by the police.

## **Prevention**

Maldives made little progress in preventing human trafficking during the year. In March 2013, the government approved an anti-trafficking plan for 2012-13. The MGFHR—which has responsibility for human trafficking—formed an anti-trafficking steering committee in May 2012, charged with facilitating communication across the government and ensuring implementation of the action plan; the committee met three times during the reporting period. Despite this, the government continued to experience poor inter-ministerial coordination on trafficking issues. The MGFHR established an anti-trafficking unit in February 2013 to serve as the national coordination mechanism for anti-trafficking efforts, including handling trafficking cases and facilitating victim protection; a deputy minister and permanent secretary serve as focal points. The unit has a 24-hour hotline and is staffed by 10 government officials, but is limited by a lack of translators. Government officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. There was no information about the status of an anti-trafficking and anti-smuggling unit that was established in January 2012 and noted in the 2012 TIP Report. In April 2012, the Department of Immigration and Emigration provided the equivalent of approximately \$2,500 in in-kind contributions to support a two-day conference organized by an international organization. The Foreign Ministry launched an awareness-raising campaign on human trafficking in the reporting period. The National Linguistic Academy also approved a new Dhivehi word for human trafficking to help promote awareness of the crime.

Police continued to blacklist Maldivian recruitment agencies who engaged in fraud and forgery, and three of these blacklisted companies were fined in the reporting period. Although an investigative unit responsible for recruitment agency oversight was established in April 2011, no labor recruiter or agency was criminally prosecuted for fraudulent recruitment practices. Furthermore, there was no information as to whether the “blacklists” were effective and enforced. A government official noted that the Government of Maldives had not meaningfully addressed the role Maldivian recruitment agents play in facilitating human trafficking. The Labor Relations Authority continued to distribute leaflets on workers’ rights in languages spoken by migrant workers in Maldives. In November 2012, the government announced a new moratorium on foreign workers for unskilled jobs in Maldives, a move which was intended to address the vulnerability of unemployed migrant workers to trafficking but may contribute to undocumented migration. In continuation of a program which began in 2009, the government repatriated a few thousand undocumented workers, some of whom may have been trafficking victims. The government launched a program in August 2012 which registered hundreds of undocumented migrant workers; both documented and undocumented workers in Maldives are vulnerable to human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts during the year. Maldives is not a party to the 2000 UN TIP Protocol.

Full report: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>